

## Exhibit C

U.S. Patent No. 7,174,352			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
1, 8, 12, 35, 36, 38, 39, 48, 57  33	"consistent version of said file system"/ "consistent file system"/ "consistent state"	<p><b>PROPOSED CONSTRUCTION:</b> A set of blocks on disk, rooted by a "root inode" (as construed herein), that includes all the blocks required for the data and file structure of a "file system" (as construed herein).</p> <p><b>INTRINSIC EVIDENCE</b></p> <ul style="list-style-type: none"> <li>• See 4:21-31; 8:34-9:11; 12:6-12; 13:53-58.</li> </ul> <p><b>EXTRINSIC EVIDENCE</b></p> <ul style="list-style-type: none"> <li>• See '292 Patent at 4:7-19; 10:57-11:27; 11:62-12:24; 15:29-17:63; 20:23-31; 23:58-24:6; Figs. 5-6, 16, 17A-17L and accompanying text.</li> <li>• Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><b>PROPOSED CONSTRUCTION:</b> "a set of storage blocks for that file system that includes all blocks required for the data and file structure of that file system"</p> <p><b>EVIDENCE:</b></p> <ul style="list-style-type: none"> <li>• '352 Patent: Col. 4:24-31, Col. 18:26-41, Col. 18:63-19:3, Col. 18: 50-64, Col. 20:59-21:53.</li> <li>• '292 Patent, Abstract; 4:6-20; ;11:6-27; 11:60-12:8; 15:29-17:64; 22:25-23:18; 24:7-9, claim 8; Figs. 16; 17A-L; 20A-C and accompanying description.</li> <li>• '292 Patent Prosecution History: Amendment and Response filed on or about December 29, 1994, and references cited therein.</li> <li>• '292 Patent Prosecution History: Information Disclosure Statement filed 9/1/1995 and references cited therein.</li> <li>• '292 Patent Prosecution History: Office action mailed February 10, 1997 and references cited therein.</li> <li>• '292 Patent Prosecution History: Submission filed on or about May 7, 1997 and references cited therein.</li> <li>• U.S. Patent 6,857,001.</li> <li>• <b>consistent:</b> 1. in agreement; compatible. 2. Being in agreement with itself; coherent and uniform. THE AMERICAN HERITAGE COLLEGE DICTIONARY, 3rd. Ed. (1993), p. 297.</li> <li>• Testimony by Sun's expert, Dr. McKusick, concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>

U.S. Patent No. 7,174,352			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
1	"a plurality of bits associated with each one of said plurality of storage blocks"	<p><b><u>PROPOSED CONSTRUCTION:</u></b> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction is necessary, the term refers to a plurality of bits for each file system storage block.</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See 4:12-20; 4:55-61; 5:40-46.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See '764 File History at Jan. 28, 2003 Response to Final Office Action at 19-20.</li> <li>• Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> "a block-map having a plurality of bits for each file system storage block"</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• '352 Patent: Figs. 1-2 and associated disclosure; Col. 1:16-59, Col. 1:60-2:8, Col. 4:12-7:7, Col. 18:26-45.</li> <li>• '292 Patent: Col. 4: 5-43, Col. 9:50-10:18, Col. 19:20-41, Col. 22:4-16, Figs. 11A-D and associated disclosure, Fig. 18C and associated disclosure, Fig. 21E and associated disclosure.</li> <li>• '352 Patent Pros. History: Dec. 24, 2004 Response to Office Action, and references cited therein; Aug. 2, 2005 Response to Office Action, and references cited therein; Sept. 23, 2005 Office Action and Dec. 20, 2005 Response thereto, and references cited therein.</li> <li>• U.S. Pat. 6,604,118 Pros. History: document titled "WIX-WAFL Image Transfer," June 6, 2000 Office Action and Oct. 3, 2000 Response thereto, and references cited therein; January 24, 2002 Response to Final Office Action, Notice of Allowability and accompanying examiner's statement of reasons for allowance.</li> <li>• Testimony by Sun's expert, Dr. McKusick, concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
8, 18	"a plurality of bits associated with a set of member storage blocks selected from said plurality of storage blocks"	<p><b><u>PROPOSED CONSTRUCTION:</u></b> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction is necessary, the term refers to a plurality of bits for each storage block in a set of storage blocks.</p>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> "a block-map having a plurality of bits for each storage block in the snapshot"</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• '352 Patent: Figs. 1-2 and associated disclosure; Col.</li> </ul>

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See 4:12-20; 4:55-61; 5:40-46.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See '764 File History at Jan. 28, 2003 Response to Final Office Action at 19-20.</li> <li>• Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>1:16-59, Col. 1:60-2:8, Col. 4:12-7:7, Col. 18:63-19:3, Col. 18: 50-64.</p> <ul style="list-style-type: none"> <li>• '292 Patent: Col. 4: 5-43, Col. 9: 50-10:18, Col. 19:20-41, Col. 22:4-16, Figs. 11A-D and associated disclosure, Fig. 18C and associated disclosure, Fig. 21E and associated disclosure.</li> <li>• '352 Patent Pros. History: Dec. 24, 2004 Response to Office Action, and references cited therein; Aug. 2, 2005 Response to Office Action, and references cited therein; Sept. 23, 2005 Office Action and Dec. 20, 2005 Response thereto, and references cited therein.</li> <li>• U.S. Pat. 6,604,118 Pros. History: document titled "WIX-WAFL Image Transfer," June 6, 2000 Office Action and Oct. 3, 2000 Response thereto, and references cited therein; January 24, 2002 Response to Final Office Action, Notice of Allowability and accompanying examiner's statement of reasons for allowance.</li> <li>• Testimony by Sun's expert, Dr. McKusick, concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
18, 22, 34	"a storage image"	<p><b><u>PROPOSED CONSTRUCTION:</u></b> A set of storage blocks selected in response to one or more snapshots.</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See 2:4-8; 5:49-54; 6:20-21; 6:33-8:17.</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> "a storage image includes an indicator of a set of storage blocks selected in response to one or more snapshots"</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• '352 Patent: Figs. 2, 3A-B and associated disclosure, Col. 5: 49-52, Col. 6:11-8:17, Col. 19:50-64, Col. 20:11-13, Col. 20:59-21:8.</li> </ul>

U.S. Patent No. 7,174,352			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<ul style="list-style-type: none"> <li>• '352 Patent Pros. History: Dec. 24, 2004 Response to Office Action, and references cited therein; Aug. 2, 2005 Response to Office Action, and references cited therein; Sept. 23, 2005 Office Action and Dec. 20, 2005 Response thereto, and references cited therein.</li> <li>• Testimony by Sun's expert, Dr. McKusick, concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
33	<b>“an indication of a set of storage blocks in said consistent state”</b>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term refers to an indication of which “storage blocks” (as construed herein) are part of a given “consistent state.” (as construed herein).</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See 4:12-20; 4:55-61; 5:40-46.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See '764 File History at Jan. 28, 2003 Response to Final Office Action at 19-20.</li> <li>• Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> “a block-map that indicates a set of storage blocks in said associated consistent state”</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• '352 Patent: Figs. 1-2 and associated disclosure; Col. 1:16-59, Col. 1:60-2:8, Col. 4:12-7:7, Col. 20:59-21:4.</li> <li>• '292 Patent: Col. 4: 5-43, Col. 9: 50-10:18, Col. 19:20-41, Col. 22:4-16, Figs. 11A-D and associated disclosure, Fig. 18C and associated disclosure, Fig. 21E and associated disclosure.</li> <li>• '352 Patent Pros. History: Dec. 24, 2004 Response to Office Action, and references cited therein; Aug. 2, 2005 Response to Office Action, and references cited therein; Sept. 23, 2005 Office Action and Dec. 20, 2005 Response thereto, and references cited therein.</li> <li>• U.S. Pat. 6,604,118 Pros. History: document titled “WIX-WAFL Image Transfer,” June 6, 2000 Office Action and Oct. 3, 2000 Response thereto, and references cited therein; January 24, 2002 Response to Final Office Action, Notice of Allowability and accompanying examiner's statement of</li> </ul>

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
			<p>reasons for allowance.</p> <ul style="list-style-type: none"> <li>• Testimony by Sun's expert, Dr. McKusick, concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
	<p><b>“each said snapshot being disposed as an object in said file system” (claims 8 and 18)/</b>  <b>“said first snapshot being represented as an object in said file system” (claim 35)/</b>  <b>“said first snapshot being represented as an object in said file system” (claim 36)/</b>  <b>“said snapshot being represented as an object in said file system” (claim 38)</b></p>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> No construction necessary, plain and ordinary meaning. To the extent the court deems a construction necessary, the term means that each “snapshot” (as construed herein) is embodied as an object in the “file system” (as construed herein).</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See Claims 15, 39, 48, 57.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> “the data structure for the snapshot is stored in the file system so there is no need to traverse the file system tree to recover the set of member storage blocks”</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• '352 Patent: Fig. 2 and associated disclosure, Col. 4:38-5:46; Col. 18:63-19:3, Col. 19:50-64, Col. 21:9-53.</li> <li>• '352 Patent Pros. History: Dec. 24, 2004 Response to Office Action, and references cited therein; Aug. 2, 2005 Response to Office Action, and references cited therein; Sept. 23, 2005 Office Action and Dec. 20, 2005 Response thereto, and references cited therein.</li> <li>• U.S. Pat. 6,604,118 Pros. History: document titled “WIX-WAFL Image Transfer,” June 6, 2000 Office Action and Oct. 3, 2000 Response thereto, and references cited therein; January 24, 2002 Response to Final Office Action, and references cited therein.</li> <li>• Testimony by Sun's expert, Dr. McKusick, concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
1, 8, 18, 22, 25, 33-36, and	<b>“snapshot”</b>	<b><u>PROPOSED CONSTRUCTION:</u></b> A read-only copy of an entire “file system” (as construed herein)	<b><u>PROPOSED CONSTRUCTION:</u></b> “a read only copy of a file system at a given instant”

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38.		<p>at a given instant when the snapshot is created.</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See Abstract, 1:65-2:8; 4:41-54; 5:23-27; 5:40-46; 8:34-9:11; 10:36-39; 13:53-58.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See '292 patent at 4:21-32; 17:65-18:7; 18:65-19:12; 20:15-31; 20:63-23:18; Figs. 17A-17D and 21A-21F and accompanying text.</li> <li>Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>'352 Patent: Fig. 2 and associated disclosure, Col. 1:65-2:1, Col. 4:38-5:46, Col. 18:26-41, Col. 18:63-19:3, Col. 18: 50-64, Col. 20:59-21:53.</li> <li>Hitz <i>et al.</i>, File System Design for an NFS File Server Appliance, Technical Report 3002 (1994). SUN00008317-SUN00008339.</li> <li><b>snapshot:</b> a copy of all or portions of the data contained in storage or in a database at a particular point in time. THE IEEE STANDARD DICTIONARY OF ELECTRICAL AND ELECTRONICS TERMS, SIXTH ED. (IEEE Std 100-1996), p.1005.</li> <li>Testimony by Sun's expert, Dr. McKusick, concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
1-8, 18, 22, 25, 33-36, and 38.	"file system"	<p><b><u>PROPOSED CONSTRUCTION:</u></b> A system that logically organizes file-related information (such as directories, files and blocks) in a tree structure.</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See 9:26-11:27; 11:62-12:8; 15:48-16:9; 20:15-23; 15:48-16:9; Claim 11; Fig. 16 and 17A-17D and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See '292 File History at Jan. 28, 1995 Amendment and Response at 14.</li> <li>See '764 File History at Aug. 8, 2003 Response</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> "a collection of files and file management structures"</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>'352 Patent: Figs. 1, 2 and associated disclosure, Col. 1:19-2:8, Col. 2:55-3:3, Col. 18:26-41, Col. 18:63-19:3, Col. 18: 50-64, Col. 20:59-21:53.</li> <li>'292 Patent, Col. 1:18-20; 2:17-4:44; 5:35-12:37, Col. 18:8-20; claims 4, 8, 12-15, 20; Figs. 2, 3, 4A-D, 8, 9A-D, 10, 11A-D, 12, 13B, 15, 17A-J, 21E and accompanying description.</li> <li>'292 Patent Prosecution History: Amendment and Response filed on or about December 29, 1994, and</li> </ul>

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p>to Office Action at 16.</p> <ul style="list-style-type: none"> <li>• Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>references cited therein.</p> <ul style="list-style-type: none"> <li>• '292 Patent Prosecution History, Information Disclosure Statement filed 9/1/1995 and references cited therein.</li> <li>• '292 Patent Prosecution History, Office action mailed February 10, 1997 and references cited therein.</li> <li>• '292 Patent Prosecution History, Submission filed on or about May 7, 1997 and references cited therein.</li> <li>• U.S. Patent 6,857,001.</li> <li>• <b>file system:</b> a collection of files. Leffler, McKusick et al., THE DESIGN AND IMPLEMENTATION OF THE 4.3 BSD UNIX OPERATING SYSTEM, (1990), p. 422.</li> <li>• <b>file system:</b> "... collection of files and file management structures on a physical or logical mass storage device..." IBM DICTIONARY OF COMPUTING, 10th Ed. (1993), p. 271.</li> <li>• <b>file system:</b> (1) a collection of files and certain of their attributes. It provides a name space for file serial numbers referring to those files. (2) A collection of files and certain of their attributes. Each file system provides a separate binding of file serial numbers to files. A given file serial number is associated with at most one file in a file system, but it may refer to distinct files in distinct file systems. That is, each file system defines a new <i>name space</i>, giving meaning to the <i>names</i> (file serial numbers) that designate files. THE IEEE STANDARD DICTIONARY OF ELECTRICAL AND ELECTRONICS TERMS, SIXTH ED. (IEEE Std 100-1996), p.407.</li> <li>• Testimony by Sun's expert, Dr. McKusick, concerning the meaning of this term to one of skill in the art in the context of its use in the '352 patent.</li> </ul>

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<b>Claim No(s).</b>	<b>Claim Term</b>	<b>NetApp's Proposed Construction and Supporting Evidence</b>	<b>Sun's Proposed Construction and Supporting Evidence</b>
			<ul style="list-style-type: none"><li>• Sun reserves the right to rely on any evidence identified by NetApp.</li></ul>